

Message Text

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ACTION ARA-15

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EO 11652: NA
TAGS: MILI CU
SUBJ: CUBAN BOATS HELD BY COAST GUARD

REF: HAVANA 1856 AND PREVIOUS

1. USINT, SEPTEMBER 9, RECEIVED MINISTRY OF FOREIGN RELATIONS (MINREX) NOTE 1594 DATED SEPTEMBER 7 WHICH REPLIES TO OUR MARCH 30 REQUEST (USINT NOTE NUMBER 84-SI) FOR INFORMATION ON CUBAN SMALL BOATS HELD BY COAST GUARD. CUBANS DECLINE TO SPECIFY WHICH BOATS, IF ANY, THEY WANT BACK---SAYING THAT THEY NEED MORE INFORMATION TO CONTINUE INVESTIGATION OF IDENTITY OF EIGHT BOATS. (FYI-FACT THAT ONE BOAT WAS STOLEN FROM USCG FACILITY WAS COMMUNICATED TO CUBANS, JUNE 30. SEE REFTTEL. END FYI). CUBANS ASK FOR INFORMATION ON DATE OF ARRIVAL OF BOATS IN US, NAMES OF CREWS AND PERSONS ON BOARD, AS WELL AS CONDITIONS OF PRESERVATION AND MAINTENANCE OF BOATS.

2. CUBAN NOTE ADDS THAT HUNDREDS OF BOATS AND AIRCRAFT HAVE ILLEGALLY DEPARTED CUBA SINCE 1959 AND THAT OFFICIALLY-PUBLISHED CUBAN INFORMATION INDICATES THAT 264 CUBAN BOATS WERE TAKEN TO US BEFORE 1970 AND 34 AIRCRAFT WERE

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TAKEN BEFORE 1964 (CUBANS HAVE PROVIDED LIST OF THESE AIRCRAFT AND BOATS THAT WILL BE FORWARDED TO ARA/CCA - DEPARTMENT OF STATE). CUBANS SAY THAT THEY MAINTAIN PERMANENT CLAIM FOR THESE BOATS AND AIRCRAFT AND ASK FOR INDICATION OF THEIR WHEREABOUTS.

3. COMMENT: CUBANS APPARENTLY FEAR THAT ACCEPTANCE OF

RETURN OF SEVEN BOATS HELD BY COAST GUARD WOULD PREJUDICE THEIR CLAIM FOR OTHER BOATS AND AIRCRAFT WHICH DEPARTED CUBA EARLIER. THEIR DEMURRAL AND REQUEST FOR IDENTITY OF BOAT OCCUPANTS AND DATE OF ARRIVAL, MAY BE INTENDED TO RAISE SUBJECT OF PUNISHMENT AND TO REFLECT DESIRE TO AVOID SETTING PRECEDENT OF DE FACTO ACCEPTANCE OF NON-IDENTIFICATION AND NON-PUNISHMENT OF REFUGEES WHO STEAL OR HIJACK BOATS. (FYI - ONE OF PROVISIONS OF 1973 US-CUBAN HIJACKING AGREEMENT, DENOUNCED BY CUBANS IN 1976, WAS THAT RECEIVING STATE MUST EITHER RETURN OR PUNISH UNDER OWN LAW BOAT OR AIRCRAFT THIEVES AND HIJACKERS. STOLEN OR SEIZED AIRCRAFT AND BOATS ALSO HAD TO BE RETURNED. CASTRO, IN HIS SEPTEMBER INTERVIEW WITH CUBAN EXILE JOURNALISTS, CRITICIZED ALLEGED USG ENCOURAGEMENT IN PAST OF ILLEGAL DEPARTURES FROM CUBA. END FYI.)

4. ACTION SUGGESTED: GIVEN FACT THAT CUBANS ARE CLEARLY IN NO HURRY TO GET BOATS BACK, AND MAY HAVE SOME BASIC POLITICAL/LEGAL QUALMS ABOUT RETURN, WE SUGGEST THAT BOATS BE HELD BY USCG FOR RETURN AT SOME FUTURE DATE. IF THIS IS DIFFICULT FOR PHYSICAL/OR SECURITY REASONS, WE SUGGEST THAT CUBANS BE ADVISED ONLY THAT BOATS ARE IN "GOOD" OR "FAIR" (OR WHATEVER) CONDITION, THAT THEY ARRIVED BETWEEN 1976 AND 1978, AND THAT NO OTHER INFORMATION IS AVAILABLE FROM USCG. CUBANS COULD BE ADVISED THAT, IF NO REPLY ON RETURN IS RECEIVED BY, SAY, DECEMBER 31, IT WILL BE ASSUMED CUBANS ARE NOT INTERESTED AND BOATS WILL BE SOLD BY USCG. ON LIMITED OFFICIAL USE

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QUESTION OF LOCATION OF BOATS AND AIRCRAFT TAKEN BEFORE 1970, WE SUGGEST THAT QUESTION BE IGNORED. (FYI-QUESTION COULD APPROPRIATELY BE DEALT WITH IN ANY FUTURE TALKS ON CLAIMS ISSUE BETWEEN TWO COUNTRIES. END FYI.)
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